



Signed: June 05, 2006

Leslie Tchaikovsky

LESLIE TCHAIKOVSKY
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re

No. 06-40644 TG
Chapter 13

BILLY T. MCINTYRE,

Debtor.

MEMORANDUM RE VARIOUS CASE DEFICIENCIES

The above-captioned debtor (the "Debtor") filed a petition seeking relief under chapter 13 of the Bankruptcy Code on May 1, 2006. The debtor is not represented by counsel. On May 12, 2006, the chapter 13 trustee (the "Trustee") filed a motion to dismiss the case based on the Debtor's failure to file a pre-petition credit counseling certificate. On May 17, 2006, the Court issued an order noting that the Debtor had failed to file certain required documents within the required deadline and giving notice that the case would be dismissed unless the Debtor remedied these deficiencies.

On May 30, 2006, the Debtor filed an objection to the Trustee's motion to dismiss. He stated that he had obtained credit counseling. However, he failed to file a copy of the credit counseling certificate or to indicate whether the counseling had been obtained

1 pre-petition as required by current law. Section 109(h) provides
2 that an individual is not eligible to be a bankruptcy debtor unless
3 the debtor obtains pre-petition counseling (unless the debtor
4 requested counseling at least 5 days before filing and was unable to
5 obtain it).

6 The Debtor also filed a response to the Court's order regarding
7 the missing documents on May 30, 2006. He asked for more time to
8 file the missing documents but failed to specify how long an
9 extension he desired. Section 521(i) of the Bankruptcy Code provides
10 that a bankruptcy case will be automatically dismissed on the 46th day
11 if the debtor fails to file all required documents by the 45th day.
12 Thus, unless the Debtor files the missing documents by June 15, 2006,
13 the case will be automatically dismissed on June 16, 2006.

14 Based on these provisions, the Court concludes that the case
15 should be dismissed without further notice and hearing unless the
16 Debtor, by no later than June 15, 2006:

17 (1) files all missing documents; and

18 (2) files a credit counseling certificate indicating that he
19 obtained pre-petition credit counseling.

20 If the Debtor timely complies with both of these requirements, the
21 Trustee's motion will be denied. The Trustee is directed to submit
22 an appropriate form of order after June 15, 2006.

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COURT SERVICE LIST

Martha G. Bronitsky
Chapter 13 Standing Trustee
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